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12 *and the Proposed Class*

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 TERESA MACCLELLAND, *Et Al.*,
17 For Themselves, As Private Attorneys
General, and On Behalf Of All Others
18 Similarly Situated,

19 Plaintiffs,

20 v.

21 CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS; and
22 VERIZON COMMUNICATIONS INC.,

23 Defendants.

Case No. 3:21-cv-08592-EMC

**PLAINTIFFS' NOTICE OF PENDENCY
OF OTHER ACTION OR PROCEEDING
[L.R. 3-13]**

[Hon. Edward M. Chen]

NOTICE

Pursuant to Civil Local Rule 3-13, Plaintiffs hereby provide notice that this case involves all or a material part of the same subject matter and the same defendants as another action pending before the Superior Court of Middlesex County, New Jersey, captioned *Achey, et al. v. Cellco Partnership d/b/a Verizon Wireless, et al.*, Case No. MID-L-000160-22.

On January 11, 2022, Plaintiffs Jeffrey Achey, Marilyn Achey, Justin Anderson, Perry Bicher, Gregory Burlak, Carla Chiorazzo, Judith Chiorazzo, Adam DeMarco, Dean Esposito, James Fisher, Allison Gillingham, Lorraine Gillingham, Donna Hartman, Patricia Justice, David Kelly, Pamela Lebak, Christina Manfredo, Alfred Mascoveto, Alexander Navarra, Judith Oelenschlager, James Prate, Andrew Roseman, Michael Scheufele, Russell Sewekow, Deborah Stroyek, Lynda Teer, and Brenda Tripicchio filed a class action against Defendants Cellco Partnership (d/b/a Verizon Wireless) and Verizon Communications Inc. (collectively, Verizon) on behalf of a putative class of current and former New Jersey Verizon postpaid wireless service subscribers.¹ The New Jersey action is currently pending in the Superior Court of Middlesex County, New Jersey.²

The New Jersey action was filed by the same counsel representing Plaintiffs in this action—the law firm of Hattis & Lukacs and the law firm of DeNittis Osefchen Prince, P.C.

The factual allegations are the same in both the New Jersey action and this action—both actions challenge Verizon’s deceptive pricing scheme of advertising flat monthly rates for its postpaid wireless service plans but actually charging customers a higher monthly rate through the imposition of an invented and undisclosed service charge (the so-called “Administrative Charge”).

¹ On February 22, 2022, the plaintiffs in the New Jersey action filed a First Amended Complaint, in part, to remove four plaintiffs from the action—Perry Bicher, Pamela Lebak, Alfred Mascoveto, and Andrew Roseman—and to add five new plaintiffs—Deidre Asbjorn, John Conway, Doree Gordon, Daniel Patino, and Christine Trappe.

² On February 10, 2022, Verizon had filed a Notice of Removal on the stated basis that Verizon’s principal place of business was in New York State. Verizon withdrew its Notice of Removal upon being reminded by Plaintiffs’ counsel that Verizon’s principal place of business is in New Jersey.

1 In response to LR 3-13(b)(3)(C), Plaintiffs do *not* believe that the two proceedings
2 should be judicially coordinated in any way. Any necessary coordination can occur between the
3 parties' respective counsel.

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6 Dated: April 5, 2022

Respectfully submitted,

7 HATTIS & LUKACS

8 By: /s/ Paul Karl Lukacs

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